

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1423

IN THE MATTER OF:

Application of AIR TRANSIT, INC., )	Served April 28, 1975
for Temporary Authority )	Application No. 857
)	
Application of AIR TRANSIT, INC., )	Application No. 862
for a Certificate of Public )	
Convenience and Necessity )	Consolidated Docket No. 284

By Application No. 862, filed April 24, 1975, Air Transit, Inc., seeks a certificate of public convenience and necessity, pursuant to Title II, Article XII, Section 4(b) of the Compact, to transport passengers, together with mail, express, baggage and newspapers, over irregular routes, in special operations between the Dulles International Airport (Dulles), Herndon, Virginia, or Washington National Airport (National), Gravelly Point, Virginia, on the one hand, and on the other, the following specified hotels or motels at the indicated per capita fare:

	<u>DULLES</u>	<u>NATIONAL</u>
Hampshire Motor Inn 7411 New Hampshire Avenue Langley Park, Maryland	\$5.50	\$5.50
Holiday Inn Montgomery Village Avenue Gaithersburg, Maryland	8.00	8.00
Holiday Inn 8777 Georgia Avenue Silver Spring, Maryland	4.50	4.50
Holiday Inn 10000 Baltimore Avenue College Park, Maryland	8.00	6.00
Linden Hill Hotel 5400 Pooks Hill Road Bethesda, Maryland	4.50	4.50

	<u>DULLES</u>	<u>NATIONAL</u>
Mayflower Hotel 1127 Connecticut Avenue, N. W. Washington, D. C.	\$4.25	\$2.25
Ramada Inn 5910 Princess Garden Parkway Lanham, Maryland	8.00	6.00
Rockville Plaza Motor Hotel 254 North Washington Street Rockville, Maryland	6.00	6.00
Sheraton Inn 8500 Annapolis Road New Carrollton, Maryland	8.00	6.00
Sheraton Park Hotel 2660 Woodley Road, N. W. Washington, D. C.	4.50	3.00
Shoreham Americana 2500 Calvert Street, N. W. Washington, D. C.	4.50	3.00
Washingtonian Motel and Golf Club Shady Grove Road Gaithersburg, Maryland	8.00	8.00

Air Transit proposes to perform a scheduled service between each airport and these selected points. Each route would have several stops. The proposed service would be provided in 12-passenger, radio-equipped, vans.

Air Transit states that the proposed service may be competitive with Beltway Limousine Service, Inc. (Beltway) or Greyhound Airport Service, Inc. (Greyhound). By Order No. 1399, served January 22, 1975, Beltway was granted temporary authority to perform a limousine service by appointment only between Dulles or National, on the one hand, and on the other, specified hotels or motels located in either Montgomery County or Prince George's County, Maryland. Air Transit seeks authority to serve the following points currently served by Beltway: Hampshire Motor Inn, Holiday Inn, Gaithersburg, Maryland, Holiday Inn, College Park, Maryland, Ramada Inn, Sheraton Inn, and Washingtonian Motel and Golf Club. The Service rendered by Greyhound is defined in its WMATC Tariff No. 13,

issued pursuant to the authority set forth in Certificate of Public Convenience and Necessity No. 7. Air Transit seeks authority to serve the following points currently served by Greyhound: Mayflower Hotel and Sheraton Park Hotel.

Title II, Article XII, Section 4(b) of the Compact provides as follows:

When an application is made under this section for a certificate, . . . , the Commission shall issue a certificate to any qualified applicant therefor, . . . , if it finds, after hearing held upon reasonable notice, that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise such application shall be denied. (Emphasis added.)

Pursuant to this mandate, the Commission shall schedule a hearing to develop an appropriate record. Air Transit shall be assessed an amount preliminarily estimated to be sufficient to cover the expenses which the Compact, Title II, Article XII, Section 19(a) requires the carrier to bear.

The reason for the hearing is to fully develop the basis for any findings as to Air Transit's fitness to perform the proposed transportation service and the existing requirements of the public convenience and necessity for the proposed transportation service. Air Transit shall be required to submit and be prepared to support with competent witnesses the following exhibits:

- (A) A detailed balance sheet of applicant as of March 31, 1975;
- (B) A detailed income statement of applicant for the 12-month period ending March 31, 1975; and
- (C) A statement projecting revenues and revenue deductions, including taxes, for a one-year period, together with supporting details, including the ratio between revenue deductions and revenues.

Air Transit shall be directed to file six (6) copies of the statements and/or exhibits required hereinbefore with the Commission and serve one copy on each party of record on or before May 23, 1975.

Air Transit shall be prepared to present evidence that public convenience and necessity require the proposed service.

Air Transit previously filed Application No. 857 for temporary authority. See Order No. 1411, served March 13, 1975. The Commission in Order No. 1416, served March 28, 1975, scheduled the public hearing for Friday, May 30, 1975. Air Transit has requested that Application No. 857 be amended to include New Hampshire Motor Inn, Langley Park, Maryland, Holiday Inn, College Park, Maryland, Ramada Inn, Lanham, Maryland, and the Sheraton Inn, New Carrollton, Maryland, as points to be served pursuant to temporary authority. The amendment to Application No. 857 is similar to a request for temporary authority pursuant to Title II, Article XII, Section 4(d) of the Compact. Such a request is properly within the provisions of Rule of Practice and Procedure 9-01. Accordingly, Application No. 857 shall be amended to include the additional proposed service.

Air Transit has requested that any public hearing with respect to Application No. 862 for a certificate of public convenience and necessity be scheduled in conjunction with the public hearing currently scheduled on amended Application No. 857. Air Transit submits that these applications are identical in scope and that a consolidated hearing would result in a saving of time and expenses. Air Transit also submits that a consolidation of these proceedings would be a convenience to the public witnesses who would appear in support of both applications. Pursuant to Rule of Practice and Procedure 20-02, these applications shall be consolidated for public hearing. These proceedings involve common questions of fact.

The Commission has received protests to Air Transit's Application No. 857 for temporary authority. These protests were filed by Bell Cab Association, Inc., Beltway, Capitol Cab Co-operative Association, Inc. (Capitol), Executive Limousine Service, Inc., Greyhound, Henry G. Bartsch pro se and as president of Montgomery Charter Service, Inc., and Yellow Cab Company of Montgomery County. Each of these protestants shall be permitted to protest Air Transit's Application No. 862 without filing a formal protest as required by Rule of Practice and Procedure 14-01. As previously stated, Application No. 857 and Application No. 862 have common questions of fact which would be developed on the record by both applicant and protestants.

Counsel for Capitol has filed a motion for continuance and has requested that the hearing date of May 30, 1975, be changed to either June 17, 18, or 19, 1975. Counsel stated that he previously made a commitment to be away from Washington, D. C., on May 30, 1975. Counsel for Air Transit responded in opposition to the motion for continuance.

Counsel argues that it is unreasonable to again postpone this hearing for an additional three-week period when the issue to be determined at such hearing is whether an immediate and urgent need exists for the proposed service.

The public hearing on Application No. 857 initially was scheduled to be held on April 8, 1975. Unfortunately, a conflict on the Commission's hearing calendar occurred and the hearing was postponed to May 30, 1975. The public hearing will not be further delayed. The motion of counsel for Capitol does not establish good cause for postponing the hearing for an additional 18 days. See Rule of Practice and Procedure 7-06. Accordingly, the motion for continuance will be denied.

THEREFORE, IT IS ORDERED:

1. That the motion for continuance filed by counsel for Capitol Cab Co-operative Association, Inc., be, and it is hereby, denied.

2. That Application No. 857 of Air Transit, Inc., be, and it is hereby, amended to include each hotel or motel set forth in Application No. 862, filed April 24, 1975.

3. That Application No. 862 of Air Transit, Inc., be, and it is hereby, consolidated for the purpose of public hearing with Application No. 857 of Air Transit, Inc.

4. That the consolidated proceeding be, and it is hereby, scheduled for public hearing to commence Friday, May 30, 1975, at 10:00 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

5. That Air Transit, Inc., publish notice in the form prescribed by the staff of the Commission of such application and hearing in a newspaper of general circulation in the Metropolitan District no later than Monday, May 5, 1975, and present at the hearing, a certificate of publication from the selected newspaper.

6. That six (6) copies, the original to be submitted at the hearing, of the statements and/or exhibits required hereinbefore be filed by Air Transit, Inc., with the Commission and one copy served on each party of record on or before Friday, May 23, 1975.

7. That any person desiring to protest or any person desiring to be heard on Application No. 862 other than those protestants to Application No. 857 hereinbefore identified shall notify the Commission, in writing, on or before Tuesday, May 20, 1975, and mail a copy of the protest or notice to counsel of record for Air Transit, Inc., Jeremy Kahn, Esquire, Suite 733 Investment Building, Washington, D. C. 20005.

8. That Air Transit, Inc., be, and it is hereby, assessed \$500 which it is directed to deposit in the name and to the credit of the Washington Metropolitan Area Transit Commission in the American Security and Trust Company, 1612 K Street, N. W., Washington, D. C., on or before Friday, May 23, 1975.

FOR THE COMMISSION:

*Hyman J. Blond*

HYMAN J. BLOND  
Executive Director